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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,121	06/22/2001	Peter J. Dronzek JR.	559-018	8226

7590 08/04/2004

HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

1. The reply filed on May 19, 2004 continues not to be fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to properly amend the claims. See 37 CFR 1.111. The amendments to the claims should be presented in the below format. If an amendment to a claim requires the addition of more than five words, the claim must be completely rewritten with the additions to the claim being underlined. Any deletions from the claims must be enclosed in brackets. No matter may be inserted into the claims that was not in the originally filed disclosure.

As an example, if a claim for a chair were originally written as follows:

1. A chair comprising a horizontal seat, a vertical back, and a plurality of vertical support members.

An amended version of this claim might then be written as follows:

1. (Amended) A chair comprising a horizontal seat, a vertical back, and [a plurality of] four vertical [support members] legs attached to said seat.

In this example, the words "a plurality of" and "support members" have been deleted from the claim. The words --four-- and --legs attached to said seat-- have been inserted.

If the specification or drawings originally described the inclusion of four legs on the chair, the new limitation of "four legs" in the claim would not constitute new matter.

Claim 1 of the amendment received June 24, 2003 claims "A label having at least one tear-removable section..." An RCE was filed on August 14, 2003 which forced the entry of the aforementioned amendment. The amendment received January 2, 2004 was considered non-responsive, since the claims were not amended properly. For example, claim 1 of this amendment claimed "A label having a front side and a back side and at least one tear-removable section..."; however, the limitation "a front side and a back side and", which was not present in the amendment of June 24, 2003, was not underlined to indicate an addition to the claim. The present amendment of May 19, 2004 continues to provide the limitation "a front side and a back side and" without properly indicating this limitation as an addition to the claim. Therefore, the amendment continues to be non-responsive to the previous Office action (mailed August 27, 2003).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).** It is noted that applicant's response time continues to run from the mail date of the last Notice of Non-Responsive (April 22, 2004). Applicant must submit any required extensions of time when providing the proper submission to avoid abandonment.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (7:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 2, 2004

Monica S. Carter
MONICA S. CARTER
PRIMARY EXAMINER